United Nations A/ES-10/L.13

General Assembly

Distr.: Limited
23 October 2003

Original: English

Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Recalling its relevant resolutions, including resolutions of the tenth emergency special session,

Recalling Security Council resolutions 242 (1967) of 22 November 1967, 267 (1969) of 3 July 1969, 298 (1971) of 25 September 1971, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 904 (1994) of 18 March 1994, 1073 (1996) of 28 September 1996 and 1397 (2002) of 12 March 2002,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming its vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders,

Condemning all acts of violence, terror and destruction,

Stressing the urgency of ending the current violent situation on the ground, the need to end the occupation that began in 1967 and the need to achieve peace based on the vision of two States mentioned above,

Reiterating its call upon Israel, the occupying Power, to fully and effectively respect the Fourth Geneva Convention of 1949,

03-56672 (E) 241003

Reiterating its opposition to settlement activities in the Occupied Territories and to any activities involving the confiscation of land, disruption of the livelihood of protected persons and the de facto annexation of land,

1. *Decides* that the construction by Israel, the occupying Power, of a wall in the Occupied Territories departing from the armistice line of 1949 is illegal under relevant provisions of international law and must be ceased and reversed;

2. *Requests* the Secretary-General to report on the compliance with this resolution periodically, with the first report to be submitted within one month;

3. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the current President of the General Assembly to resume its meeting upon request from Member States.

United Nations A/ES-10/L.14

General Assembly

Distr.: Limited
23 October 2003

Original: English

Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Guided by the principles of the Charter of the United Nations,

Aware of the established principle of international law on the inadmissibility of the acquisition of territory by force,

Aware also that developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples is among the purposes and principles of the Charter of the United Nations,

Recalling relevant General Assembly resolutions, including resolution 181 (II) of 1947, which partitioned mandated Palestine into two States, one Arab and one Jewish,

Recalling also the resolutions of the tenth emergency special session,

Recalling further relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 267 (1969) of 3 July 1969, 298 (1971) of 25 September 1971, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 904 (1994) of 18 March 1994, 1073 (1996) of 28 September 1996 and 1397 (2002) of 12 March 2002,

Reaffirming the applicability of the Fourth Geneva Convention as well as Protocol I Additional to the Geneva Conventions to the Occupied Palestinian Territory, including East Jerusalem,

Recalling the Regulations annexed to the Hague Convention respecting the Laws and Customs of War on Land of 1907,

03-56679 (E) 241003

Welcoming the convening of the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, at Geneva on 15 July 1999,

Expressing its support for the declaration adopted by the reconvened Conference of High Contracting Parties at Geneva on 5 December 2001,

Recalling in particular relevant United Nations resolutions affirming that Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, are illegal and an obstacle to peace and economic and social development as well as those demanding the complete cessation of settlement activities,

Recalling also relevant United Nations resolutions affirming that actions taken by Israel, the occupying Power, to change the status and demographic composition of Occupied East Jerusalem have no legal validity and are null and void,

Gravely concerned at the commencement and continuation of construction by Israel, the occupying Power, of a wall in the Occupied Palestinian Territory, including East Jerusalem, that has involved the confiscation and destruction of Palestinian land and resources, the disruption of the lives of thousands of protected civilians and the de facto annexation of large areas of territory, and underlining the unanimous opposition by the international community to the construction of that wall,

Gravely concerned also at the even more devastating impact of the projected parts of the wall on the Palestinian civilian population and on the prospects for solving the Palestinian-Israeli conflict and establishing peace in the region,

Welcoming the report of 8 September 2003 of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,[1] in particular the section regarding the wall,

Affirming the necessity of ending the conflict on the basis of the two-State solution of Israel and Palestine living side by side in peace and security based on the armistice line of 1949, in accordance with relevant Security Council and General Assembly resolutions,

Bearing in mind the constraints of time that require the immediate cessation of the construction of the above-mentioned wall and its dismantlement,

1. *Decides*, in accordance with article 96 of the Charter of the United Nations, to request the International Court of Justice, pursuant to article 65 of the Statute of the Court, to render an advisory opinion on the following question, taking into account the constraints of time:

> Is Israel, the occupying Power, under legal obligation to cease its construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, which departs from the 1949 armistice line (Green line), as detailed above, and to dismantle the existing parts of the wall under relevant provisions of international law and taking into account relevant Security Council and General Assembly resolutions?

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[1] E/CN.4/2004/6.

United Nations A/ES-10/L.15

General Assembly

Distr.: Limited
21 October 2003

Original: English

Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey and the United Kingdom of Great Britain and Northern Ireland: draft resolution

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Recalling its relevant resolutions, including resolutions of the tenth emergency special session,

Recalling Security Council resolutions 242 (1967) of 22 November 1967, 267 (1969) of 3 July 1969, 298 (1971) of 25 September 1971, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 904 (1994) of 18 March 1994, 1073 (1996) of 28 September 1996 and 1397 (2002) of 12 March 2002,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming its vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders,

Condemning all acts of violence, terrorism and destruction,

Condemning in particular the suicide bombings and their recent intensification with the attack in Haifa,

Condemning also the bomb attack in the Gaza Strip, which resulted in the death of three American security officers,

Deploring the extrajudicial killings and their recent intensification, in particular the attack yesterday in Gaza,

03-57466 (E) 221003

Stressing the urgency of ending the current violent situation on the ground, the need to end the occupation that began in 1967, and the need to achieve peace based on the vision of two States mentioned above,

Particularly concerned that the route marked out for the wall under construction by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, could prejudge future negotiations and make the two-State solution physically impossible to implement and would cause further humanitarian hardship to the Palestinians,

Reiterating its call upon Israel, the occupying Power, to fully and effectively respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August of 1949,[1]

Reiterating its opposition to settlement activities in the Occupied Territories and to any activities involving the confiscation of land, disruption of the livelihood of protected persons and the de facto annexation of land,

1. *Demands* that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law;

2. *Calls upon* both parties to fulfil their obligations under relevant provisions of the road map,[2] the Palestinian Authority to undertake visible efforts on the ground to arrest, disrupt and restrain individuals and groups conducting and planning violent attacks, and the Government of Israel to take no actions undermining trust, including deportations and attacks on civilians and extrajudicial killings;

3. *Requests* the Secretary-General to report on compliance with the present resolution periodically, with the first report on compliance with paragraph 1 to be submitted within one month and upon receipt of which further actions should be considered, if necessary, within the United Nations system;

4. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the current President of the General Assembly to resume its meeting upon request from Member States.

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[1] United Nations Treaty Series, vol. 75, No. 973.

[2] S/2003/529, annex.